

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Panchayat Raj and Rural Development Department – Allegations of corruption against Sri M. Rama Subba Reddy, Executive Engineer, (PR), Kurnool District – Trapped on 19.2.2004 – Convicted in CC No.03/05 on 21.04.2009 – Imposition of penalty of withholding of Pension and gratuity in full, permanently, under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 – Orders – Issued.

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**PANCHAYAT RAJ AND RURAL DEVELOPMENT (Vig.II) DEPARTMENT**

**G.O.Ms.No. 325**

**Dated:31-10-2009.**

Read the following:

- 1). G.O.Ms.No.379 Panchayat Raj & Rural Development (Vig.II) Department, dt.15.12.2004.
- 2). Representation dt.27.01.2006 of Sri M.Rama Subba Reddy, Executive Engineer, Panchayat Raj, Kurnool District (Retired).
- 3). G.O.Ms.No.53 Panchayat Raj and Rural Development (Vig.II) Department, dt.21.02.2007.
- 4). Judgement dated.21.04.2009 in C.C.No.03/05 of the Addl. Special Judge for SPE & ACB Cases, Hyderabad.
- 5). Govt. Memo No. 260/Vig.II/A1/2004-5, Panchayat Raj and Rural Development (Vig.II) Department, Dated:28.07.2009.
- 6). From Sri M. Rama Subba Reddy, E.E., P.R., (Retd.), representation Dated:29.09.2009.

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**ORDER:**

Whereas, it was brought to the notice of the Government by the appropriate authority that, Sri M.Rama Subba Reddy, Executive Engineer, Panchayat Raj, Kurnool District was trapped on 19.02.2004, when he demanded and accepted a bribe amount of Rs.10,000/- from the complainant, viz., Sri S.Anwar Basha, Class-III Contractor of Gudur Village, Kurnool District, for doing official favour of passing the bills, pertaining to the works executed by the Contractor.

2. And whereas in the reference 1<sup>st</sup> read above, sanction was accorded to prosecute Sri M.Rama Subba Reddy, Executive Engineer Panchayat Raj Kurnool District, now retired, under section 7 and sub section (2) of section 13 read with clause (d) of sub section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the aforesaid acts for taking cognizance of the offence by a Court of competent jurisdiction, in a court of law.

3. And where as, in the reference 2<sup>nd</sup> read above, the Accused Officer has stated that the bills pertaining to the Complainant Contractor viz., Sri S. Anwar Basha were received in his office on 31.01.04, that he inspected the said works on 06.02.04, that he instructed the Deputy Executive Engineer and Assistant Engineer to send the B.T. samples for quality control check test on 7.2.04 and

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hence the contractor bore grudge against him and planned the Anti Corruption Bureau Trap on 19.02.04, though there was no demand for bribe from him and requested for withdrawal of prosecution and for dropping of the charges against him, as the complaint was false and as he had already suffered both financially and mentally and that he would be put to irreparable loss, if his pension was not released early.

4. And whereas, after examination of the matter, in the reference 3<sup>rd</sup> read above, orders were issued for withdrawal of the prosecution orders, already issued, vide reference 1<sup>st</sup> read above and also dropping of further disciplinary proceedings against Sri M.Rama Subba Reddy, Executive Engineer (now Retd.), Panchayat Raj, Kurnool District.

5. And whereas, in the reference 4<sup>th</sup> read above, the accused officer, Sri M.Rama Subba Reddy, Executive Engineer, Panchayat Raj, Kurnool District, now retired, was found guilty of the charge framed against him, by the Additional Special Judge for SPE & ACB cases, Hyderabad in C.C.No.03/05, Dt:21.04.2009 for the offences under section 7 and 13(1)(d)(ii) punishable under section 13(2) of the Prevention of Corruption Act, 1988. He was also convicted under section 248(2) of the Code of Criminal Procedure, 1973 and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/- and in default to suffer simple imprisonment for 3 months for the offences U/S 7 of the P.C. Act, 1988 and also to undergo one year rigorous imprisonment and to pay a fine of Rs.1,000/- and in default to suffer simple imprisonment for 3 months for the offences punishable U/S 13(2) r/w 13(1)(d) of the P.C. Act, 1988. Both the sentences were ordered to run concurrently.

6. And whereas, consequent on the conviction, Government provisionally decided to withhold the pension and gratuity, in full, permanently, on Sri M.Rama Subba Reddy, Executive Engineer, Panchayat Raj, Kurnool District, now retired; and, accordingly in the reference 5<sup>th</sup> read above, a show cause notice was issued to the Accused Officer, under Andhra Pradesh Revised Pension Rules, 1980, directing him, to submit his explanation.

7. And whereas, Sri M. Rama Subba Reddy, formerly EE, PR (now retired), Kurnool District in his explanation 6<sup>th</sup> read above has stated that, the order of the Special Judge was challenged by him in the Hon'ble High Court of A.P. in CrI.A.No.441 of 2009. The Hon'ble High Court of A.P., while admitting the said appeal, has suspended the orders of the Addl. Special judge, SPE&ACB Court, in CrI.A.M.P.No.1022 of 2009 vide orders Dt:28-4-2009 and hence the orders of the SPE&ACB Court has not become final; and, requested to dropping the proceedings in the show-cause notice.

8. And whereas, the Hon'ble High Court of Andhra Pradesh in its orders Dt:28.04.2009, suspended the sentence of imprisonment alone, imposed by the trial court, and, as such, conviction remains.

9. And whereas, it is considered that the conduct of the said Sri M. Rama Subba Reddy, Executive Engineer, Panchayat Raj, Kurnool, now retired, which has led to his conviction is such, as to warrant the imposition of a major penalty of withholding of pension and gratuity in full, permanently.

10. Now, therefore, in exercise of the powers conferred by Rule 9 (1) of Andhra Pradesh Revised Pension Rules, 1980, Government hereby impose penalty of withholding the pension and gratuity in full, permanently, against Sri M. Rama Subba Reddy, Executive Engineer, Panchayat Raj, Kurnool District, now retired.

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11. The Engineer-in-Chief, Panchayat Raj, Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C.SASTRY  
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri M. Rama Subba Reddy, Former Executive Engineer, Panchayat Raj, Kurnool through Engineer-in-Chief, Panchayat Raj, Hyderabad.  
The Engineer-in-Chief, Panchayat Raj, Hyderabad. (He is requested to serve the order on the A.O. and furnish the dated acknowledgement immediately)

Copy to:

The Accountant General, AP, Hyderabad.  
The Secretary, A.P. Vigilance Commission. (371/VC.G1/2004)  
The Director General, Anti Corruption Bureau, Hyderabad.  
SF/SCs

// FORWARDED :: BY ORDER //

SECTION OFFICER